

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

VERA BROWN-MORRISON,)	
)	
Plaintiff,)	
)	
v.)	
)	
KATIE JACOBS, SUSAN ABBOTT, and)	
VINFEN CORPORATION,)	
)	
Defendants.)	
)	

**Civil Action No.
17-12192-FDS**

**ORDER OF DISMISSAL FOR FAILURE TO SERVE
DEFENDANTS KATIE JACOBS AND VINFEN CORPORATION**

SAYLOR, J.

This is an action for workplace discrimination. Plaintiff Vera Brown-Morrison, a black woman who practices Pentecostalism, alleges that defendants Vinfen Corporation, her former employer; Katherine Sharby,¹ her team leader; and Susan Abbott, the Vice President of Vinfen, violated federal labor law and discriminated against her on the basis of her race and religion. She further alleges that she was retaliated against when she reported those violations to Abbott.

Brown-Morrison filed this action on November 7, 2017. Defendants Vinfen and Katherine Sharby filed a motion to dismiss for insufficient service of process pursuant to Fed. R. Civ. P. 12(b)(5) on June 4, 2018. Brown-Morrison did not oppose the motion. On July 13, 2018, the Court ordered Brown-Morrison to show cause why the case should not be dismissed. She filed a response to that order on August 31, 2018.

Federal Rule of Civil Procedure 4(m) provides:

¹ Katherine Sharby is identified in the complaint as Katie Jacobs.

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

The 90-day window for service of process has indisputably passed. Brown-Morrison's response to the Court's order to show cause does not even attempt to explain why, nine months after this action was filed, she still has not been able to serve Katherine Sharby or Vinfen. The claims against those defendants will therefore be dismissed according to the rule.

Accordingly, the motion to dismiss of defendants Katherine Sharby and Vinfen Corporation is GRANTED, and the case as to them is DISMISSED without prejudice.

So Ordered.

Dated: September 7, 2018

/s/ F. Dennis Saylor
F. Dennis Saylor, IV
United States District Judge